

REMARKS

Claims 1, 3-9 and 19, 20, 22-30 and 32-37 now remain pending in the application.

Claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37 over Hoffman in view of Brohoff

Claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,390,237 to Hoffman, Jr. et al. ("Hoffman") in view of U.S. Patent No. 6,108,533 to Brohoff ("Brohoff"). The Applicant respectfully traverses the rejection.

Claims 1, 3, 5-9, 32 and 35 recite a locality lookup table associating CALLER information entries with respective broadcast information streams relevant to a locality, and a plurality of pre-stored broadcast information streams within a server of current news relevant to a locality. The processor automatically identifies a specific one of the plurality of pre-stored broadcast information streams based only on **CALLER** information, and allows downloading to a caller a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality.

Claims 19, 20, 22, 23-28, 30, 33, 34, 36 and 37 recite a method of selecting a broadcast information stream relevant to a locality, comprising automatically determining a desired one of a plurality of pre-stored broadcast information streams relevant to a locality based only on CALLER information, and downloading the desired one of the plurality of pre-stored broadcast information streams relevant to a locality to the calling party.

The Examiner alleges Hoffman discloses providing weather information to a caller via a telephone network, but acknowledges that Hoffman fails to disclose downloading weather information based only on caller information relevant to the caller's locality (See Office Action, page 4). The Examiner relies on Brohoff at Fig. 7, col. 4, lines 50-60 and col. 7, line 50 to col. 8, line 12 to allegedly make up for the deficiencies in Hoffman to arrive at the claimed features. The Applicant respectfully disagrees.

The Examiner alleges Brohoff at Fig. 7, col. 4, lines 50-60 and col. 7, line 50 to col. 8, line 12 discloses "based only on call related information

received with respect to an incoming call, allow downloading to a caller of a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality” (See Office Action, page 4). However, Brohoff at Fig. 7, col. 4, lines 50-60 and col. 7, line 50 to col. 8, line 12 discloses a mobile station that is able to obtain information from a database by entering one or more search keywords. A MSC sends a Present Services message to the mobile station indicating what services which are currently available to it based upon the location from which the mobile station sent an Invoke Service message (See Brohoff, col. 7, lines 50-62). The mobile station sends to the MSC a Service Request message indicating a search key, and selection from a list of available services (See Brohoff, col. 7, lines 62-64).

Thus, Brohoff discloses a mobile station that is able to obtain information about services which are available to it based upon its location. However, Brohoff relies on a user entering one or more search keywords to obtain desired information based on location. Brohoff fails to disclose use of **CALLER** information to obtain information, much less disclose or suggest downloading to a caller of a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality based on **CALLER** information, as recited by claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37.

Moreover, modifying Hoffman with the disclosure of Brohoff would still fail to disclose or suggest the claimed features. The theoretical result of Hoffman modified by the disclosure of Brohoff would at best disclose a system and method of allowing a caller to using touch tones to access a remote weather station (Hoffman) and alternately allow a user to enter one or more search keywords to obtain desired information based on location (Brohoff). Hoffman modified by Brohoff would fail to disclose or suggest use of **CALLER** information for any reason, much less for downloading to a caller of a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality, as recited by claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37.

A benefit of downloading to a caller of a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality based on CALLER information is, e.g., automation of information retrieval. The Examiner's cited prior art requires user input to obtain information. However, since CALLER information, such as Caller ID, is a service that does not require user input, information can automatically be retrieved based on CALLER information without requiring user input. The cited prior art fails to disclose or suggest the claimed features having such benefits.

For these and other reasons, claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 4 over Hoffman in view of White and Brohoff

Claim 4 was rejected under 35 USC 103(a) as allegedly being obvious over Hoffman in view of Brohoff, and further in view of U.S. Pat. No. 5,740,549 to Reilly et al. ("Reilly"). The Applicant respectfully traverses the rejection.

Claim 4 depends from claim 1, and is patentable for all the reasons that claim 1 is patentable.

As discussed above, Hoffman in view of Brohoff fails to disclose, teach or suggest selection of pre-stored broadcast information streams based on CALLER information, much less automatic identification of a specific one of a plurality of pre-stored broadcast information streams based only on CALLER information, as recited by claim 4.

The Examiner cites Reilly as allegedly teaching "a modem in communication with the processor (column 4, lines 23-38)." (Office Action at 8)

Even so, Reilly fails to teach or suggest the use of pre-stored broadcast information streams based on CALLER information, much less automatic identification of a specific one of a plurality of pre-stored broadcast information streams based only on CALLER information, as recited by claim 4.

Accordingly, the theoretical combination of Hoffman in view of Brohoff, and further in view of Reilly, even if proper, STILL fails to teach or suggest the features of claim 4.

For at least these reasons, claim 4 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 29 over Hoffman in view of Brohoff and Fellingham

Claim 29 was rejected under 35 USC 103(a) as allegedly being obvious over Hoffman in view of Brohoff, and further in view of U.S. Pat. No. 6,442,244 to Fellingham et al. ("Fellingham"). The Applicant respectfully traverses the rejection.

Claim 29 depends from claim 19, and is patentable for all the reasons that claim 19 is patentable.

As discussed above, Hoffman in view of Brohoff fails to disclose, teach or suggest selection of pre-stored broadcast information streams based on CALLER information, much less automatic identification of a specific one of a plurality of pre-stored broadcast information streams based only on CALLER information, as recited by claim 29.

In the Office Action, the Examiner cites Fellingham for allegedly teaching "storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party (column 4, lines 14-19)." (Office Action at 9)

Fellingham teaches a system wherein upon receipt of a call, a switch within a network accesses a database to determine if the call should receive an announcement during call set-up. (Fellingham, Abstract) Fellingham requires MANUAL input by a user, for instance, requiring a MANUAL caller to MANUALLY enter their area code number, etc. (e.g., See Fellingham, col. 4, lines 14-19).

Fellingham clearly teaches that an announcement is provided in real-time, not for storage in a voice messaging system associated with the calling party, as claimed by claim 29. In fact, Fellingham TEACHES AWAY from

storage of the announcement in a voice messaging system by teaching that the announcement is provided during the CALL SET-UP—NOT at all during a call itself. In fact, according to Fellingham, as soon as the call IS established, the announcement is terminated. Thus, according to Fellingham, the announcement CAN'T be stored in a voice messaging system that stores calls from ESTABLISHED telephone calls.

Accordingly, Fellingham fails to teach or suggest the use of pre-stored broadcast information streams, much less automatic identification of a specific one of a plurality of pre-stored broadcast information streams, and certainly not storage in a voice messaging system associated with the calling party, much less based only on **CALLER** information, all as claimed by claim 29.

Accordingly, the theoretical combination of Hoffman in view of Brohoff, and further in view of Fellingham, even if proper, STILL fails to teach or suggest the features of claim 29.

Therefore, claim 29 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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